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## FAX Transmission Sheet

October 21, 2004

To: Examiner Ann Y. Lam Fax No. (703) 872-9306  
From: Stephen P. Burr Fax No. (315) 233-8320  
Re: In re the Application of: Toshikazu HIROTA, Takao OHNISHI, Saichi YAMADA,  
Kazunari YAMADA, Yukihisa TAKEUCHI  
Serial No.: 10/068,292 Art Unit: 1641  
Date Filed: February 6, 2002 Conf. No. 9651  
Title: BIOCHIP AND METHOD FOR PRODUCING THE SAME  
Our Docket No.: 789\_076

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### COMMENTS:

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	<u>Paper</u>	<u># of Pages</u>
1.	Response to Restriction Requirement .....	<u>2</u>

Total Pages (including cover page) 3

Elizabeth A. VanAntwerp

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Practitioner's Docket No.: 789\_076 OCT 21 2004

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Toshikazu HIROTA, Takao OHNISHI, Saichi YAMADA,  
Kazunari YAMADA, Yukihiisa TAKEUCHI

Ser. No.: 10/068,292

Art Unit: 1641

Filed: February 6, 2002

Examiner: Ann Y. Lam

Confirmation No.: 9651

For: BIOCHIP AND METHOD FOR PRODUCING THE SAME

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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on October 21, 2004 at (703) 872-9306.

*Elizabeth A. VanAntwerp*  
Elizabeth A. VanAntwerp

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In response to the Office Action mailed October 6, 2004, Applicants hereby provisionally elect, with traverse, to prosecute the claims of Group II (claims 7-32) in this application.

However, Applicants respectfully traverse the restriction requirement since the subject matter of claims 1 - 57 is sufficiently related that a thorough and complete search for the subject matter of the elected claims would necessarily encompass a thorough and complete search for the subject matter of the non-elected claims. Thus, it is respectfully submitted that search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is clearly stated that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the

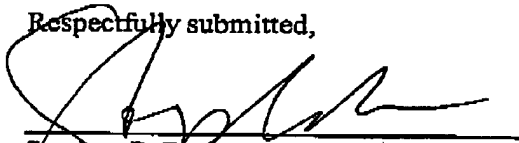
merits." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to applicants and improper duplicative examination by the Patent Office.

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

October 21, 2004  
Date

Respectfully submitted,

  
Stephen P. Burr  
Reg. No. 32,970

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